

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JUDY LYNN DYKE,)
Plaintiff,)
vs.) CIVIL NO. 18-cv-2070-DGW¹
COMMISSIONER of SOCIAL SECURITY,)
Defendant.)

MEMORANDUM AND ORDER

WILKERSON, Magistrate Judge:

Before the Court is the parties' Joint Stipulation to Remand to the Commissioner. (**Doc. 23**).

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "the ALJ will re-evaluate the record medical opinions concerning the claimant's mental impairments, most notably the

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c) and Administrative Order No. 240. See, Docs. 10, 21.

opinions of Dr. Klug and Ms. Brendel; re-evaluate the claimant's mental RFC, with citation to the medical evidence that supports each limitation assessed; re-evaluate the claimants' subjective statements under SSR 16-3p; and obtain additional vocational evidence if warranted." Plaintiff applied for disability benefits in October 2014. (Tr. 63). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Joint Stipulation to Remand to the Commissioner (**Doc. 23**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying plaintiff's application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: May 16, 2019.



**DONALD G. WILKERSON
UNITED STATES MAGISTRATE JUDGE**